

# **Exhibit J**



**The Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Department of Public Health**  
**250 Washington Street, Boston, MA 02108-4619**

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**GUIDANCE OF THE COMMISSIONER OF PUBLIC HEALTH  
REGARDING OPERATION OF NURSERIES, GREENHOUSES,  
GARDEN CENTERS, AND AGRICULTURAL SUPPLY STORES  
UNDER THE ESSENTIAL SERVICES ORDER**

On March 23, 2020, the Governor issued an Order Assuring Continued Operation of Essential Services in the Commonwealth. On March 31 and April 28, 2020, the Governor extended that Order and updated the list of "COVID-19 Essential Services." The Order directed the Commissioner of Public Health to issue binding guidance to implement the Order.

The Order designated nurseries, greenhouses, garden centers, and agriculture supply stores as COVID-19 Essential Services. These businesses therefore may continue to operate their brick-and-mortar premises and remain open to the public subject to the limitations specified below. Additionally, workers supporting nurseries, greenhouses, garden centers, and agriculture supply stores are deemed included within the COVID-19 Essential Workforce for purposes approved in this guidance.

This guidance does not apply to retail businesses subject to my March 25, 2020 Orders directed to grocery stores and pharmacies.

- 1) Nurseries, greenhouses, garden centers, and agriculture supply stores that sell food or food producing plants for human consumption may continue to operate their brick and mortar premises; provided, however, that a nursery, greenhouse, garden center or agriculture supply store that sells solely plants that do not produce food for human consumption shall remain closed.
- 2) Nurseries, greenhouses, garden centers, and agriculture supply stores that remain open for business must deploy strategies to reduce COVID-19 exposure for their customers and employees including but not limited to:
  - Access to handwashing facilities, including those available in public restrooms, and allowing employees sufficient break time to wash hands, as necessary.
  - Alcohol-based hand sanitizers, as available.

- Disinfecting wipes, as available, at point of entrance for customers to disinfect carts, at cash registers and/or other appropriate locations.
  - Procedures to ensure that both employees and customers remain at least six feet apart at all times. Procedures should include a marked “Social Distancing Line,” which begins six feet away from all checkout counters.
  - Procedures to sanitize frequent touchpoints throughout the day, including point of sale terminals at registers.
  - Employees who are sick should not report to work and if, when reporting to work, they have symptoms of COVID-19 they must be sent home.
  - Adoption of remote sales methods for some transactions, including phone orders, online sales, delivery, and email-based transactions.
  - Offering of on-site pick-up options such as “curbside” product drops in parking lots in which materials are loaded into customers’ trunks, truck beds or cargo areas. In no circumstances may an employee place any product into the cab or passenger area of a customer’s vehicle.
- 3) Nurseries, greenhouses, garden centers, and agriculture supply stores must accommodate employees who fall within the higher-risk populations, as defined by the CDC guidelines, with lower-exposure work assignments or by allowing them to stay home.
- 4) Nurseries, greenhouses, garden centers, and agriculture supply stores shall be closed to the public for a sufficient time each evening to allow for stores to be properly sanitized.
- 5) Nursery, greenhouse, garden center, and agriculture supply store employees shall not perform bagging of products if reusable checkout bags are used and customers shall not use reusable checkout bags until further notice.
- 6) Nurseries, greenhouses, garden centers, and agriculture supply stores, including those currently subject to municipal ordinances or regulations banning single-use plastic bags, may choose to use recyclable paper bags, compostable plastic bags or single-use plastic bags.
- 7) Nurseries, greenhouses, garden centers, and agriculture supply stores may not assess a charge for recyclable paper bags, compostable plastic bags or single-use plastic bags.

This Guidance shall be effective immediately and shall remain in effect until the State of Emergency is terminated by the Governor.



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Monica Bharel, MD, MPH  
Commissioner, Massachusetts Department of  
Public Health  
April 28, 2020